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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,870	10/11/2004	Victor Nohl	1546.001	5869
23598	7590	10/19/2007		
BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			NOTIFICATION DATE 10/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary

Application No.

10/711,870

Applicant(s)

NOHL

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 26-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 7/17/2007.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in (1) claim 1 of "no more than two surfaces of the connector flange and edge rail engage one another" (please note that Fig 7 clearly shows the corner connector engages the edge rail along its width surface and shoulders 48, thus more than two surfaces), (2) claim 37 of the severed end and corner connector being secured together by "a surface fastener that does not pass through at least one of the severed end or the corner connector" (please note that the specification and drawing disclosure the glue is used to secured the edge rail and panel, NOT the edge rail and the corner connector), and (3) claim 40 of glue as the surface fastener must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: limitation in claim 1 of "no more than two surfaces of the connector flange and edge rail engage one another"; limitation in claim 37 of the severed end and corner connector being secured together by "a surface fastener that does not pass through at least one of the severed end or the corner connector"; and limitation in claim 40 of glue as the surface fastener.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-25, 37-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, (1) the limitation "each connector flange and edge rail constructed in be secured together" is improper in context, thus

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indefinite, (2) the litigation of “wherein no more than two surfaces of the connector flange and edge rail engage one another” is vague, thus indefinite for failing to clearly define the metes and bounds of the claimed invention of how it is possible for them to engage no more than two surfaces. Claim 18, the limitation “the corner component and the edge component being engageable from more than one directions” is vague a, thus indefinite for failing to clearly define the metes and bounds of the claimed invention; and it is not clear how it is possible. Claim 37, it is not clear how it is possible for the severed end to engage the corner connector in a “non-locking” abutting engagement.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 14, 16-17, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,647,181 to Hunts.

Hunts discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1, 4, 6, 10, 12, 14, and 16, a frame assembly comprising a plurality of rails 30, connectors 54 having a plurality of flange, side panels 14 attached to the frame assembly, a door 20, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase 34 runs along a length of each of the inside

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corner rails, and a window; wherein each connector flange and edge rail are constructed to be secured together by overlapping engagement, wherein not more than two surfaces of the connector flange and edge rail engage one another in a non-locking abutting engagement with a surface fastener that does not pass through at least one of the rail or the corner connector.

In regard to the limitations in claim 17, the limitation recited therein is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 10-13, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunts in view of USP 6,419,331 to Wei.

Hunts discloses all the elements as discussed above except for the limitations in claims 10-13 of the door assembly, and the limitation in claim 40 of an amount of glue as the surface fastener.

Wei discloses an alternate cabinet system comprising a frame assembly having a plurality of edge rails, corner connectors, a door assembly comprising a plurality of jam section engageable with at least one of a corresponding edge rail, an edge of a side panel, an edge of a cavity panel, the door assembly having a plurality of door edge channels and panels connected thereto; wherein the door assembly with edge channels and panel connected thereto provides an aesthetic looking door assembly. Therefore, it would have been obvious to modify the structure of Hunts by providing the door 20 with a door assembly comprising the limitations in claims 11-13 in order to provide an aesthetic looking door assembly, as taught by Wei, since both teach alternate conventional cabinet system structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed. In regard to the limitation in claim 40, it would have been obvious and well within the level of one skill in the art to use various well known and commercially available fastening means for securing two item together, such as mechanical fastening means, thermo fastening means, or chemical fastening means, based on the desired need of one skill in the art, such as economic considerations, personal references, and/or readily available material.

11. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,011,323 to Liuo in view of Hunts.

Liwo discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a frame assembly comprising a plurality of curved rails 2, curved connectors 1 having a plurality of flange, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase runs along a length of each of the inside corner rails; wherein the corner connector component and the edge component are engageable from more than one direction, wherein the corner component and the edge component are engageable from more than one directions. The different being that Liwo does not clearly disclose a plurality of side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume.

Hunts discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1, 4, 6, 10, 12, 14, and 16, a frame assembly comprising a plurality of rails 30, connectors 54 having a plurality of flange, side panels 14 attached to the frame assembly, a door 20, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a plurality of side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume, a wire chase 34 runs along a length of each of the inside corner rails, and a window; wherein each connector flange and edge rail are constructed to be secured

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together by overlapping engagement, wherein not more than two surfaces of the connector flange and edge rail engage one another in a non-locking abutting engagement with a surface fastener that does not pass through at least one of the rail or the corner connector.

Therefore, it would have been obvious to modify the structure of Liuo to provide a plurality of side panels constructed to received by the edge component on a side generally opposite the corner component and oriented to enclose a volume, as taught by Hunt, since both teach alternate conventional cabinet system structure, used for the same intended purpose of housing articles therein, thereby providing structure as claimed.

12. Claims 1-9, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al in view of Hunts.

Simon et al discloses a cabinet/enclosure system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a frame assembly comprising a plurality of rails 2,4,6, connectors 20 having a plurality of flange, side panels 15 attached to the frame assembly, a door 10, each rail having a plurality of rail flanges extending therefrom and generally aligned with the connector flange when connected thereto, a groove formed in the rail flange traversed by a side panel connected thereto, a wire chase runs along a length of each of the inside corner rails. The different being that Simon et al fails to clearly disclose no more than two surfaces of the connector flange and edge rail engage one another.

Hunts teaches an alternate structure of corner connector of a frame assembly for connecting a plurality of edge rails 30, wherein each corner connector 54/64 comprises a plurality of connector flange, each having a circular cross-section shaped; thus, no more than two surfaces of the connector flange and edge rail engage one another in order to facilitate securement thereto. Therefore, it would have been obvious and well within the level of one skill in the art to modify the structure of Simon et al by providing the connector flange with a circular-cross-sectional shape in order to facilitate securement thereto, as taught by Hunts, since both teach alternate conventional edge rail and corner connector structure, used for the same intended purpose of forming a frame assembly, thereby providing structure as claimed.

In regard to the limitations in claim 17, the limitation recited therein is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examine the final product described regardless of the method provided by the applicant.

Response to Arguments

13. Applicant's arguments with respect to Simon, Liuo and Wei have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
October 10, 2007

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